

All India Sikh Gurdwaras Bill

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Its Background And The Main Features Of The Draft Bill

In the Punjab Accord, signed between the Prime Minister and late Sant Longowal, *inter alia*, the Government has undertaken to enact an All India Sikh Gurdwaras Act. The article below, giving information about the background of the demand for such an enactment and steps already taken in this respect, and the main features of the draft bill on the subject prepared after eliciting the views of the Sikhs in India and abroad, and pending consideration with the Government of India since 1979, would be of interest to the Public, particularly the Sikhs, in India and abroad.

After innumerable sacrifices, the right of the Sikhs to manage their gurdwaras was recognised by the enactment of the Sikh Gurdwaras Act, 1925 (Punjab Act VIII of 1925). This is applicable only to the gurdwaras in the area comprised in the State of Punjab as constituted prior to the re-organisation of the State. It has been the earnest wish of the Sikhs that the management of all the gurdwaras in India be in the hands of the Sikhs. Two bills introduced in the Parliament by Sardar Amar Singh Sehgal were not pursued because of opposition by many Sikh representative bodies. Getting an assurance from Ch. Charan Singh, then Union Home Minister, that such a legislation would be enacted, a committee under the Chairmanship of Sardar Harbans Singh, Chief Justice (Retired), was formed on 4th of November, 1977.

The work was taken in hand by the Committee after *Ardasa* and distribution of *karah prasad* in the presence of Guru Granth Sahib, seeking the Guru's guidance and blessings. 14,000 copies of a comprehensive questionnaire, inviting views on various aspects of the management of the gurdwaras, were sent to all the representative bodies of the Sikhs in India and abroad. After considering a large number of replies that were received and after having detailed personal discussions with the Chief Khalsa Diwan, S.G.P.C., and other representative bodies of the Sikhs at various places in Punjab, at Bombay, Poona, Secunderabad, Hyderabad, Bidar, Nanded, Bhopal, Calcutta, Bhubneshwar, Gauhati, Shillong, Tatanagar, Patna, Kanpur and Bilaspur (U.P.), a complete consensus, not only about the need for having such a legislation but also for its main provisions, emerged and, based on this consensus, a draft was submitted to the Punjab Government on 31st of May, 1978. After making certain corrections in it, in the light of the discussions which the Chairman and the two official members, namely, the Advocate General and the L.R. Punjab, had with the Minister, Sardar Atma Singh and Sardar Gurcharan Singh Tohra, the modified draft was submitted on December 2, 1971. Later, five copies of the Bill together with the objects and reasons and notes to Clauses, along with 10 appendices were submitted on February 8, 1979, and these copies, in turn, were sent by the State Government to the Union Home Minister, for consideration and necessary action. However, due to the shifting of Ch. Charan Singh from the Home Ministry and failure of the Janta Government in 1980, no action was taken. Now that in the Punjab Accord, between the Prime Minister and Late Sant Longowal, the Government

has agreed to enact such a legislation, it is hoped that the draft bill would receive consideration at an early date.

All the religious institutions of the Muslims in India are governed by the Wakf Act, 1954. In almost all the States in India, there already exists some legislation under which all religious institutions of the Hindus have to be registered with the Endowments Commissioner of the State, who exercises supervision over these institutions, to ensure that their management proceeds smoothly and the purpose for which the endowment was created is being served and that the accounts are properly kept. The need for a similar legislation in the States, in which it did not exist, was stressed by Dr D.P. Ramaswami Aiyer, Chairman of the Hindu Religious Endowments Commission (1960-62), which made extensive study of the working of all the religious endowments in India. In para 20 of the report, Dr C.P. Ramaswami Aiyer stated as follows :

"... Where some type of legislation, regulative and directory in character... has been attempted in respect of religious endowments, it has been found possible to maintain a minimum degree of efficiency and a legitimate disposition and utilisation of the funds of the institutions concerned. Where, however, there has been no legislation at all... the position has been most unsatisfactory. It is in our view a matter of imperative necessity that suitable legislation should be undertaken by States having no legislation governing Hindu religious endowments, namely, Assam, Punjab, West Bengal and U.P." (Page 30).

In some states like Andhra Pradesh, Mysore, Maharashtra, Gujarat and Madhya Pradesh, these Hindu Religious Endowments Acts also apply to the Sikh gurdwaras and 5% of the income is to be paid by the gurdwaras to the State Government as administration charges. This is being strongly resented by the Sikhs in these states. Thus, the need for an all India legislation has been keenly felt outside the States of Punjab and Delhi.

The main opposition to the concept of an All India Sikh Gurdwara Act arises from the idea that the provisions of the proposed draft would be similar to those of the Punjab Act, under which when an institution is declared to be a Sikh gurdwara, the existing management is ousted and a new elected or nominated committee of management takes over its charge. In the present draft, all Sikh places of worship, by whatever name known, no doubt, would be covered by the Act, and all such gurdwaras shall have to be registered with the State Board in the same manner as the Hindu religious trusts are being registered with the Endowments Commissioner under the existing State legislation, but the management of all these gurdwaras would continue to be in the hands of the existing management and there would be no interference either in the management of the gurdwaras or their property or with the method of succession. The only supervision to be exercised by the State Board would be to see to that the basic Sikh *Maryada*, e.g., that no form of worship of any person or object in the gurdwara be allowed, is maintained; that the management goes on smoothly and that the accounts are properly kept. This is the minimum supervision that is being exercised under all religious

endowment Acts, which are in existence. Thus, the main sting in the Punjab Act, of the existing management being deprived of the control of the management of the institution and its property, has been eliminated.

Only the historical Sikh gurdwaras would be managed by a representative body of the Sikhs in each State, referred to as "the State Board", or a group of States, referred to as "the Regional Board".

Again, there is a great deal of misunderstanding that the existing S.G.P.C. would become the overlord of all the gurdwaras in India. The draft provides that "the State Board" or "the Regional Board" will manage the historical gurdwaras within the respective States, independent of the Central Board. The Central Board will have 110 representatives from all the States, out of which only 70 would be from Punjab. These 110 representatives will nominate at least two *sehajdharis*, one saintly person out of the various *Sampardays* of the Sikhs and 21 members from amongst the Sikh intelligentsia.

This Central Body will manage only the five *Takhts* and Sri Darbar Sahib (Golden Temple), Amritsar. The question of overlordship by the present S.G.P.C. over the gurdwaras in India, therefore, does not arise.

Day-to-day working of the historical gurdwaras will be in the hands of the local committees appointed by the concerned State/Regional Board and in the case of the *takhts* and Golden Temple, Amritsar, by the Central Board.

In the case of the local committees for the management of Takht Sri Hazoor Sahib and Takht Sri Harimandar Ji Patna Sahib, at least 20% of the total number of members would be from amongst the original Sikh residents of the area comprised in the erstwhile State of Hyderabad and the original Sikh residents of Bihar State, respectively. This has been done in deference to the wishes of the original residents of these two areas as having a special affinity with these two *takhts*. In the case of the local committee of Darbar Sahib (Golden Temple), Amritsar, and the associated gurdwaras, at least 20% of the total number of members would be from the city of Amritsar. This again has been done to associate the worshippers of the city of Amritsar with the working of this important Sikh shrine.

Election by Adult Franchise for the selection of *sewadars* to manage the Sikh gurdwaras was widely deplored. Outside Punjab, the general opinion was that apart from other drawbacks from which it suffers, this method would be expensive and cumbersome. In all States other than Punjab and Delhi, an electoral college, constituted by the representatives from all the registered gurdwaras in a State, would select the State/Regional Board and representatives of the State of Region to the Central Board.

In Punjab and Delhi, the existing system would continue with option to adopt the electoral college pattern if the respective Boards so decide in the light of the experience gained.

However, to eliminate the abuse of non-Sikhs voting in the garb of *sehajdharis*, voting rights are given only to Sikhs as in Delhi, but to give a sense of involvement to genuine *sehajdharis*, provision for their nomination on the Boards has been made.

Under the Punjab Act, Judicial Commission deals with internal disputes of the S.G.P.C. and its members, and the Gurdwara Tribunal with the nature of the disputed institutions and their property. On an average, it takes between twelve to twenty years for a dispute to get finally decided, because of appeals against interim and final orders of the Tribunal to the High Court and Supreme Court.

Under the draft, only one Tribunal is provided to decide all disputes and with a view to expeditious disposal of the disputes, an appeal is provided against the decision of a single member of the Tribunal to two or more members Bench of the Tribunal presided over by a sitting or retired judge of a High Court and all appeals to High Court or Supreme Court are eliminated. This is in conformity with the current thinking that matters that can conveniently be decided by an Administrative Judicial Tribunal, should not be allowed to unnecessarily burden the files of the High Court. The Tribunal suggested under the draft is on the lines on which such a Tribunal was proposed under the Religious Endowments Bill, 1965.

Special provision has been made for the *granthis* of Sri Darbar Sahib (Golden Temple), Amritsar, and the *jathedars* of the *takhts*, in view of their status and position. An outline of their

qualifications is given, though the details have been left to the Central Board. Once confirmed, they would not be removable except for misconduct, on a resolution passed with three-fourth majority, at a specially convened meeting of the Central Board.

The Central and the State/Religion Boards have also been empowered to lay down the qualifications, method of appointment and terms and conditions of its employees, particularly, *granthis*, *ragis* and *parcharaks*.

The Central Board will establish institutions and take over and run the existing *gurmat* institutions for imparting training to the prospective *granthis* and *ragis* and to give in-service training to the existing employees.

In order to provide a forum for decision of any controversial religious matter affecting the whole of the *Panth*, a provision has been made for creating a Central Religious Body, of which the head *granthi* of Darbar Sahib and *jathedars* of the *takhts* would be ex-officio members. Five other persons: one having the understanding of the Sikh Scripture and commanding respect amongst the Sikhs and four other *amritdhari* Sikhs, who have occupied high positions in life and are known for their religious bent of mind and Sikh way of life, to be nominated by the Central Board. The Central Board, on its own motion or on being moved by a State/Regional Board, may refer a matter, if the Central Board is of the view that the matter is such, on which the opinion of the Central Religious Body is called for. After considering such expert opinion, as they may deem fit to receive, from persons well-versed in Sikh religion

and Sikh history, etc., this Religious Body, shall, while sitting at Akal Takht Sahib, under the Presidentship of the *Jathedar* of the Akal Takht, give its decision, which will be binding on the whole Sikh *Panth*.

The need for the creation of an autonomous Trust for printing, publication and distribution of the *Birs* of Guru Granth Sahib has been voiced by one and all. A provision has been made for the creation of such a Trust, which will be entrusted with not only the printing, publication and distribution of *Birs* of Guru Granth Sahib under proper surroundings, maintaining the sanctity and respect due, but also to print other books of *Gurbani*, Sikh History, Sikh Religion and Sikh Culture and translations thereof. In view of the peculiar position of Guru Granth Sahib, as the last and ever-existing Guru of the Sikhs, after the enforcement of the Act, the printing and distribution of *Birs* of Guru Granth Sahib by private publishers would be prohibited. There would, however, be no prohibition against the printing and publication of *Sanchies*, *Gutkas* or other books. The *Birs* in the possession of private publishers would be taken over by the Trust, for which adequate compensation would be paid.

It will thus be seen that the proposed draft bill envisages great improvement over the existing position. The summaries:

a) Persons in charge of the non-historical gurdwaras would continue with the management of such gurdwaras, without any interference. This would eliminate all ill-will and friction, and at the same time ensure that no Sikh gurdwara or its property becomes "personal property" of anyone; and that

the basic principle of the Sikh faith, that where there is *Parkash* of Guru Granth Sahib there can be no other worship of any person or object, be achieved.

b) The method of election has not been extended to the other States. Even Punjab and Delhi have the option of adopting the simpler method of election by electoral college, if the Board concerned so desired, as a result of the experience gained from other States.

c) Most important gurdwaras, viz., five *takhts* and Golden Temple, Amritsar, would be under the charge of a representative body of the Sikhs from all over India, with representation provided, for the first time, to the Sikh intelligentsia, *sehajdharis* and the Sikh *sampardayas*. This would also be conducive to having a uniform *Maryada*, in conformity with the Sikh tenets, in all these important shrines.

d) Position and status of the *Jathedars* of the *Takhts* and the *granthis* of Darbar Sahib and arrangements for training and employment of *ragis*, *kirtanias*, *parcharaks* and *sewadars*, would be put on a sound basis.

e) Arrangements for accurate printing, under proper surroundings, of Guru Granth Sahib would be assured; and

f) Provision for a high powered Religious Body has also been made.

In all respects, the proposed Bill involves improvement on the existing position and would go a long way to meet the long cherished aspirations of the Sikhs.

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ALL INDIA GURDWARA BILL, 1999- GENSIS AND THE FUTURE..

GURCHARANJIT SINGH LAMBA

Of late, regional and national media has been carrying a number of report regarding the Sikh Gurdwara legislation. The reports fall in all sort of categories: some motivated, other full of gaping holes, a few largely correct but with some bona fide mistakes and a lot of them simply confusing and only adding to cacophony.

This little note is primarily drafted to give an overall picture of what is at stake and what could be the possible ramifications of some of the provisions in the suggestions mooted by quarters as responsible as the Gurdwara Election Commission.

Chief Commissioner of Gurdwara Elections, Punjab, Chief Justice (Retd.) Harbans Singh has prepared two separate documents. One is a draft notification proposing certain far-reaching amendments in the existing "Sikh Gurdwara Act, 1925" and the other is a draft of the "The Sikh Gurdwara Bill, 1999" aimed at replacing the existing "Sikh Gurdwara Act, 1925" in its entirety.

These two drafts got ample coverage in the media and have thus attracted the desired attention of those who are concerned with its application. Since both the drafts have been prepared by the same authority and have also been circulated almost simultaneously these two have been confusingly intermingled with each other. For this reason the confusion prevails even amongst those who are expressing their view on the subject, leave aside those who have little or no access to the documents.

Briefly, first the draft which is a Draft Notification and seeks to amend the existing Sikh Gurdwara Act, 1925 was forwarded by the GEC to the Government on 9th August, 1999. Without making any additions or alteration to this draft the same was sent by the Home ministry to the SGPC on 25th August, 1999. The SGPC was asked to give their comments on the draft within a week's time, i.e. by the end of August. SGPC on its part on 31st August forwarded the draft to its executive members for information. Later on when the draft evoked strong reaction from different quarters the SGPC decided to elicit views from different quarters within two months' time and also to form a committee to look into the matter thoroughly. The SGPC also declared that it had conveyed to the Government of India that its decision will be given only after completion of this process . The most intriguing fact of this episode is, and the SGPC has also asked GEC to explain as at whose instance it had prepared this draft. SGPC has also categorically challenged the authority of the GEC to suggest such amendments because according to it

the GEC is empowered and authorised to conduct the Gurdwara elections only.

Though this draft had some very welcome long awaited features like removal of Sahajdhari as voters but it unscrupulously deleted the disqualifying bar on alcoholics and patits apostates from becoming voters and members respectively. It didn't stop this but made very detrimental and disparaging changes in the dilution of Sikh. Almost all the amendments suggested in his draft notification with further dilution find place in the draft of the All India Gurdwara Bill, 1999.

These two drafts hit at the very roots of the Sikhs and to put it simply it is no exaggeration that these are the most damaging and humiliating documents thrust upon the Sikhs in this century.

Although the draft of the All India Gurdwara Bill is the subject matter of the present article and this is what is being projected as a matter of concern but the real and immediate threat is the Draft Notification sent by the GEC to the Union Government for amending the existing Sikh Gurdwara Act, 1925 by a notification. Basically this draft notification is being objected to on four grounds.

- Despite a declaration to adopt Delhi Act's definition of the Sikh, the same has been drastically changed.

- The bar on an alcoholic becoming a member has been removed.
- The disqualification of patit has been withdrawn.
- The amendments are proposed not through legislation but by administrative notifications.

Despite loud protestations from every quarters and its universal condemnations the same has neither been withdrawn nor cancelled but the same is being pushed though constantly at different level including the National Commission for Minorities. Any slackness or indifference on this count will be catastrophic for the entire Sikh world.

It is therefore desired that the draft notifications seeking amendments to the existing Sikh Gurdwara Act should be addressed first.

Now the genesis of the All India Gurdwara Bill, 1999.

The demand for an all India Gurdwara legislation emanated from the Gurdwara reforms movement and finds mention of this in numerous resolutions passed by the SGPC or the Akali Dal. The first hint of such a legislation was given in the year 1930 by the then Governor of Punjab Lord Malcolm Hailey. This finds mention in the Regional Formula, policy programme documents of the Akali Dal which was later named Anandpur Sahib

Resolution and the Longowal Accord also. In 1954 a private Bill to this effect was presented in the Parliament by one S. Amar Singh Sahgal from Madhya Pradesh. This remained a Bill and could not become an Act. In 1977 the Janata Government entrusted the job of drafting the Bill to CJ(Retd.) Harbans Singh. The draft prepared by him was approved by the SGPC and the same was sent to the Home Ministry by the Punjab Government in 1979, which in turn sent it to the cold storage. Rajiv-Longowal Accord too had a clause that the All India Gurdwara Act will be enacted and accordingly in 1986 the Union Government sent the 1979 draft to the Punjab Government. The Punjab Government headed by S. Surjit Singh Barnala constituted a Review Committee headed by S. Natha Singh Dalam. The Review Committee in turn constituted a Re-drafting Committee with Dr. Jasbir Singh Ahluwalia as its Convenor Secretary besides Dr. Gurnam Singh Teer and Giani Lal Singh as its members. It was also strange the Review Committee could constitute a Re-drafting Committee.

The Re-drafting Committee held eight meetings in a month and was in a tornado like haste and kept the entire proceedings secret and shrouded in mystery. No one not even the SGPC, Chief Khalsa Diwan, the Singh Sahibs leave aside the common Sikhs as given access as to what was in the offing for their future.

The rival Badal Akali Dal constituted a committee comprising Dr. Rajinder Kaur, S. Bharpur Singh, S. Mewa Singh Gill Advocate, Bhai Ashok Singh Bagarian and S. Gur Ratanpal Singh

Advocate. This committee also warned the Ahluwalia Committee to desist from taking a hasty decision. S. Atma Singh wrote a lengthy article in Daily Ajit of 28th October, 1986 exposing the alleged anti-Sikh designs of the Ahluwalia draft.

The main objection emanating from different quarters was that this draft was being carried through in a bizarre haste at a time after the Operation Blue Star and the Government had not even bothered to consider any of the other important demands of the Sikhs but was too eager to give them the All India Gurdwara Act. According to Principal Labh Singh of the Guru Kanshi Institute published by the Institute of Sikh Studies in their book on Gurdwara Legislation the writer of the draft had made their designs clear that in consonance with the National policy there was need for secularisation of the Gurdwaras' management and keep it detached from narrow fundamentalist approach. Even S. Natha Singh Dalam in his article published in Punjabi Tribune of 2nd December, 1986 wrote, "The Central Board with the help of enlarged SGPC will endeavour to face the challenge of complex of separatism and communalism acquired by the Sikhs and also to bring the role and importance of the Takhat within the purview of the law." So the main emphasis of Ahluwalia draft was to clear the religious places from religion itself.

Despite large scale protests from different quarter, the Ahluwalia committee went ahead in its programme and got the proposals approved in a seminar held in Amritsar at Guru Nanak Dev University. But because of the fall of the Barnala

Government the Panth was saved from the gift of a catastrophic All India Gurdwara Act in 1986 itself.

But as the luck would have it CJ (Retd.) Harbans Singh picked up the same abandoned Ahluwalia draft, crossed it with his own 1979 draft, prepared the final draft of the All India Gurdwara Bill, 1999 and forwarded it to the Union Government for enactment, and of course with the courtesy of sending a copy of this to the SGPC.

Let us now examine what has been said and what actually has been done by the GEC.

The brief notes on draft of the Sikh Gurdwara Bill, 1999 and objects and reasons of its clauses appended to the Gurdwara Bill, 1999 note very clearly that, "The definition of the "Sikh" should be the same as in the Delhi Sikh Gurdwara Act, 1971 and right of vote at the election should be given only to the "Sikhs" so defined, and right to vote given to "Sehajdharis" for the first time in 1959, on Pepsu Gurdwara being brought under the Sikh Gurdwara Act, 1925, be omitted."

No doubt, the draft bill proceeds to drop Sahajdharis from the list qualifying them as voters, but in the process, for reasons that only his eminence can explain, also modified the definition of 'Sikh' in a queer way going back even on his words that the definition version of Delhi Gurdwara Act, 1971 was best. For your kind reference, and for those who would like nothing less than

what the exact original versions in various documents are, we reproduce below various definitions that we came across. All version are quoted verbatim from original documents.

DEFINITION OF SIKH

The first and the foremost outrageous attempt has been made on the definition of the Sikh. The definition is a thing which should be definite and free from any ambiguity or misinterpretation. Before moving further let us have a look at the definition of Sikh as given in the Sikh Gurdwara Act, 1925, the Delhi Sikh Gurdwara Act, 1971 and the one proposed by the GEC in the Gurdwara Bill.

2.(9) Sikh means a person who professes the Sikh religion or, in the case of a deceased person, who professed the Sikh religion or was known to be a Sikh during his lifetime.

If any question arises as to whether any living person is or is not a Sikh, he shall be deemed respectively to be or not to be a Sikh according as he makes or refuses to make in such manner as the [State] Government may prescribe the following declaration:-

I solemnly affirm that I am a Sikh, that I believe in the Guru Granth Sahib, that I believe in the Ten Gurus, and that I have no other religion.

Existing clause in the Punjab Gurdwara Act, 1925

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Delhi Sikh Gurdwara Act, 1971.2(n) "Sikh" means a person who professes the Sikh religion, believes and follows the teaching of Sri Guru Granth Sahib and the ten Guru only and keeps unshorn hair. For the purposes of this Act, if any question arises as to whether any living person is or is not a Sikh, he shall be deemed respectively to be or not to be a Sikh according as he makes or refuses to make in the manner prescribed by rules the following declaration:-"I solemnly affirm that I am a Keshadhari Sikh, that I believe in and follow the teachings of Sri Guru Granth Sahib and the ten Gurus only, and that I have no other religion.

SIKH GURDWARA BILL, 1999.S. 2ZB - ?SIKH? MEANS A PERSON WHO PROFESSES THE SIKH RELIGION, BELIEVES IN THE TEACHINGS OF THE TEN GURUS AND SRI GURU GRANTH SAHIB AND KEEPS UNSHORN HAIR AND DOES NOT USE TOBACCO IN ANY FORM;

In the proposed definition though the GEC claims to have borrowed the Delhi definition but the shocking revelation is that it has in fact deleted/omitted the following words from the Delhi definition:

- The words "only" and "follows" from "believes and follows the teaching of Sri Guru Granth Sahib and the Ten Guru ONLY"
- "I HAVE NO OTHER RELIGION" from the declaration.

While the gaping holes in the definition are only too loud, we list here the objections. Where is the need to change the 1971 Act definition, which, to quote Justice Harbans Singh himself, was the only version with complete consensus.

1. The learned man of law fails to explain where is the need to change the 1971 Act definition, which, to quote Justice Singh himself, was the one version with complete consensus.

2. The 1925 Act definition said in the affirmation that "I have no other religion". Similarly, the 1971 definition, a particular favourite of the judge, also says that the person making declaration must state that he not just believed in teachings of Sikh Gurus but believed in them ONLY and must also state that "I HAVE NO OTHER RELIGION". The proposed definition given by Justice drops, without much ado, the words ONLY and the words that I HAVE NO OTHER RELIGION. What is more, he has the temerity to state on record that these were MINOR MODIFICATIONS (See brief note on proposed amendments appended by Justice Singh to the draft) as if there is no difference between believing in a particular thing and ONLY believing in that one thing and NO other: Why, for the love of God, did the Judge make ?minor modifications? at all beats ever sane person.

3. It will be not be out of place to mention here that the 1925 Act did not have the words "I have no other religion" and the provision for disqualifying a Patit from becoming a member of

the SGPC. However Sardar Ujjal Singh brought a bill for insertion of these conditions in the Punjab Legislative Council. As expected Dr. Gokal Chand Narang, Raja Narinder Nath and almost all the Hindu members opposed and obstructed the proposed changes. With concerted efforts of the Panth these amendments were made in the Act and these two clauses were inserted. It is irony that now with a stroke of pen the achievements of the Panth have been tried to be frittered away.

4. Suddenly, the Judge has included on KUREHAT (Don't) about us of tobacco in the definition of a Sikh. Why not other don'ts about alcohol, about cohabiting, about??? Pray, why only tobacco?

5. The deletion of word "follows" has far reaching effect. Despite this, justifying the deletion of the disqualification of an 'alcoholic' as voter, CJ(Retd.) R.S. Narula in his note sent to the Government of India said, "If an objection is raised at an appropriate stage that a particular candidate is not "Sikh" as he is proved to be not following the teachings of Sri Guru Granth Sahib by resorting to drinking he is bound to succeed by merely showing that Sri Guru Granth condemns drinking in strongest terms. This proves that the deletion of the word "follows" has a meaning and has been deleted deliberately.

Now, our point is that it would be virtually impossible to include every ?DON'T? in the definition. So why not return to the document that is Panth-approved, has never been a subject of debate and has served the purpose so well all these years __ THE

SIKH REHAT MARYADA. For the benefit of the readers, we quote the definition of SIKH from the REHAT MARYAD; (English version as per the translation published by none other than the SGPC)

"THE DEFINITION OF SIKH:

ANY HUMAN BEING WHO FAITHFULLY BELIEVES IN

(I) ONE IMMORTAL BEING,

(II) TEN GURUS, FROM GURU NANAK DEV TO GURU GOBIND SINGH,

(III) THE GURU GRANTH SAHIB,

(IV) THE UTTERANCES AND TEACHINGS OF THE TEN GURUS AND

(V) THE BAPTISM BEQUEATHED BY THE TENTH GURU, AND WHO DOES NOT OWE ALLEGIANCE TO ANY OTHER RELIGION, IS A SIKH."

Would Justice Singh and his advisers kindly enlighten us as to what is their problem with the SIKH REHAT MARYADA definition of Sikh?

QUALIFICATION OF MEMBERS SPARSE.

Although as per the Sikh Rehat Maryada , the Ardas of a Patit (apostate) and a tankhaia which includes an alcoholic is forbidden at the Sri Akal Takhat Sahib, However, the GEC has

given another blow to the foundations of the Sikhism by clearing an alcoholic for becoming a voter and a Patit from getting elected to the SGPC.

First, let us have a look at the existing section which prescribes the qualifications of members of the SGPC.

45. Qualification of elected member:- (1) A person shall not be eligible for election as a member of the Board if such person-

(i) is of unsound mind;

(ii) is an undischarged insolvent.

(iii) is a patit ;

(iv) is a minister of Notified Sikh Gurdwara, other than the head minister of the Darbar Sahib, Amritsar, or of one of the four Sikh Takhts specified in clause (ii) of sub-section (1) of section 43.

(v) is a paid servant of any Notified Sikh Gurdwara, or of the Board other than a member of the executive committee of the Board.

(vi) being a keshadhari Sikh is not a amritdhari;

(vii) takes alcoholic drinks;

(viii) not being a blind person cannot read and write Gurmukhi.

The above clause disqualified a patit from becoming a member of the SGPC. Section 2(r) of the proposed Act defines a patit as, 2(r) - 'Patit' means a Sikh who trims or shaves his beard or hair (Keshas) or uses tobacco in any form, or who, after taking Amrit, commits any one or more of the four Kurahits;

The definition of a patit as given in the Sikh Gurdwara Act, 1925 is as follow:

2(11) - "Patit" means a person who being a Kesadhari Sikh trims his beard or Keshas or who after taking Amrit, commits any one or more of the "Four Kurahits".

It is now amply clear that an Amritdhari who commits any one or more of the four Kurahits is a Patit. However section 33 of the proposed Act has queer way deleted the disqualifying clause of patit and instead out of four Kurahits has only the following two as disqualification,

(v) trims or shaves his beard or keshas;

(vii) smokes or uses tobacco or its preparations in any form;

It is thus seen that the GEC in a crafty manner has allowed the patits to become members of the SGPC. The tongue in cheek explanation for this has been given is that when the condition of being an Amritdhari remains then the deletion of the word patit will not make any difference because the patit will not remain an Amritdhari. A married person getting divorce or becoming a widower cannot be called un-married. Similarly an Amitdhari committing one or more Kurahits will be an apostate, Patit and not an un-Amritdhari as is being said. And if at all the deletion of the two Kurahits is insignificant then why the two Kurahits remain on the statute.

In fact the Sikh Rahit Maryada has very in a very able manner codified the definition of Sikh, the doe's and the don'ts. This

pattern was adopted while drafting the Sikh Gurdwara Act of 1925. But for the reasons best known to the GEC some of the Kurahits have been unnecessarily incorporated in the definition section.

QUALIFICATION OF VOTER DILUTED.

The present section 49(ii)(c) disqualifies an alcoholic from becoming a voter. The existing section reads as follows:

49. Qualification of electors- Every person shall be entitled to have his name registered on the electoral roll of a constituency constituted for the elections of a member or members of the Board who is a resident in that constituency and

(i) is a Sikh more than twentyone years of age, who has had his name registered as a voter in such manner as may be prescribed.

Provided that no person shall be registered as an elector who -

(a) trims or shaves his board or keshas except in case of sehajdhari Sikhs.

(b) smokes;

(c) takes alcoholic drinks.

It is sad to note that S. 49(1)(c) disqualifying an alcholic does not find favour with the GEC and has been removed. To wit, section 31(1) of the prposed All India Gurdwara Bill, 1999 prescribes the following declaration to be made by a voter,

"I solemnly affirm that I am Sikh, that

I do not trim or shave my beard or keshas and that
I do not smoke or use tobacco in any form.

Thus condition for a voter, not to be taking alcohol, has thus been deleted. Cheers for the bacchus. Of course to make the onslaught effective and fatal care has been taken that the word "follows" has also been deleted from the "follows and believes in the teachings of Guru Granth Sahib" from the definition of a Sikh. This deletion is not by mistake but has been vehemently justified by Justice Harbans Singh himself in the Seminar organised by the Institute of Sikh Studies at Chandigarh.

Dear Reader, we went deeper into this problem only as an example to show you how even abstruse subjects have a tale to tell, and at times, a very interesting one. Listed below are some of the other proposed amendments by Justice Singh, alongwith our comments.

The Akal Takhat Sahib is the symbol of the concept of Miri-Piri and it is not a Gurdwara. However in the Bill it has been declared to be just another Gurdwara.

It is proposed in the Bill that the Jathedar of the Akal Takhat Sahib will have to take oath by appearing before the President of the Board (Gurdwara Prabandhak Committee) or its nominee.

No new Gurdwara will be established without prior permission of the Registering Authority. Violation of this will make the person liable for imprisonment.

If a Gurdwara is not being used as a Gurdwara the same will not be recognised as a Gurdwara. Does this mean that the Gurdwaras of Pakistan for which the Ardas is done are no more Gurdwaras?

It has to be proved that the Gurdwara has been established by the Sikhs. If the founder of a Gurdwara is held to be not conforming to the definition of Sikh will then mean that with him the Gurdwara will also be declared as a non-Gurdwara? Will it not make the unscrupulous people to get themselves declared non-Sikhs to take the Gurdwaras out of the purview of the Act?

The concept of Gurmata, Sangat, Panj Piaras, Guru Panth, Sikh Rahit Maryada do not find a place anywhere in the Act.

The failure on the part of the committee to pay revenue to the Central board it will be recovered as land revenue.

The historic name SGPC has been removed and instead new name Kendri Gurdwara Prabandhak Board has been prescribed.

The rules for the management of the Gurdwaras will be made by the Government.

The basic Sikh principle is of ਪੂਜਾ ਅਕਾਲ ਕੀ, ਪਰਚਾ ਗ੍ਰੰਥ ਕਾ, ਦੀਦਾਰ ਖਾਲਸੇ ਕਾ। Contrary to this, the Act has declared the Gurdwaras as a place of worship of Guru Granth Sahib.

NOW WHAT SHOULD BE DONE.

The definition of a Sikh needs to be definite in terms of his not having or professing any other religion. This clause has been deleted in the proposed changes. In the definition the condition was the person who believes and follows only Guru Granth Sahib and Ten Gurus. From this clause the word only has been deleted.

The Ardas of a Patit (apostate) and a tankhaia (alcoholic) is forbidden at the Akal Takhat in the Sikh Rehat Maryada , However, the Patit is cleared for contesting the election of the SGPC.

The condition for a voter, not to be taking alcohol, is also proposed to be deleted in the proposals. It is argued that for all practical purposes this is a superfluous clause. However we are of the view that in case this become a part of the statute it may open the floodgates for a negative approach.

Any amendment to the said act is proposed to be done with consultation only of the SGPC. This may also prove to be disastrous in case of a malicious intent. Therefore we suggest it

to be first approved by a 2/3rd majority of the general house of the SGPC (as provided in the Nehru-Tara Singh Pact.)

The matter is already in the press and is likely to generate some sort of discussion. However, the Home Ministry gave only one week's time to the SGPC for their comments. Nothing should be done in haste because these are basic and fundamental issues and should have approval of the Panth.

There is no denying that whatever system we adopt if it does not come straight from the Guru's mouth this is bound to have failures and ultimately fail. The system of Masands, Mahants and now the Gurdwara committees is a pointer to this. **ਜਿਓ ਜਿਓ ਚਲੈ ਚੁਭੇ ਦੁਖ ਪਾਵੈ।** So has said Iqbal,

**ਜਲਾਲੇ ਪਾਤਸ਼ਾਹੀ ਹੋ ਯਾ ਜਮਹੂਰੀਅਤ ਕਾ ਤਮਾਸ਼ਾ।
ਜੁਦਾ ਹੋ ਦੀਂ ਸਿਆਸਤ ਸੇ ਤੋ ਰਹਿ ਜਾਤੀ ਹੈ ਚੰਗੇਜ਼ੀ।**

In the light of this it is suggested that till the alternative option is available according to the Gurmat the present act be suitably amended and made fool proof.

It is also suggested that the existing Sikh Gurdwara Act, 1925 be amended to have a provision for an Upper House. This Upper House should have nominated/coopted members from all over the works and the total strength of this House may be 600.

This House should act only as an advisory body dealing with matters of mutual interest and especially the Maryada of the Gurdwara, which was the primary declared object of the All India Gurdwara Act.

And if at all an All India Gurdwara legislation is desired then instead of new Act, the present Sikh Gurdwara Act, 1925 be extended to the whole of India. But before doing so the lacunae in the existing Act, 1925 must be removed to the satisfaction of the Sikh Panth.

But above all if any amendment is desired to be made then it must be after the prior approval of the two third of the total strength the General House of the SGPC approving it. But no amendment in the Act be made by a Notification.

In case you agree with our suggestions please take up the matter at your own level and strive to do whatever you think fit.

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